

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kauaʻi Police Commission	Meeting Date	June 24, 2016
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:01 a.m.	End of Meeting: 10:38 a.m.
Present	Chair Charles C.C. Iona; Vice-Chair Mary K. Hertog; Members: Catherine Adams, Savita Agarwal, Gerald (Chip) Bahouth, Kevin Mince and Donald (Moki) Okami Sr. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; Deputy County Attorney Mahealani Krafft; Police Department: Chief of Police Darryl Perry; Executive Chief of Police Michael Contrades; Assistant Chief Roy Asher; Lieutenant Jon Takamura Head - Traffic Safety Section.			
Excused				
Absent				
SUBJECT	DISCUSSION		ACTION	
Call To Order			Chair Iona called the meeting to order at 9:01 a.m. with seven (7) Commissioners present constituting a quorum.	
Approval of Minutes of May 27, 2016	Chair Iona called for a motion to accept the meeting minutes.		Commissioner Adams moved to accept the meeting minutes of May 27, 2016. Commissioner Agarwal seconded the motion. The motion carried 7:0.	
Commendation Report	There was one letter of commendation involving five (5) personnel in the Kauaʻi Police Department. On May 31, 2016, Assistant Special Agent Dinlocker with the Federal Bureau of Investigation wrote to thank Sergeants Scott Williamson, Daniel Oliveira, Officer Arnold Cayabyab and KPD Staff members Johnette Chun and Eunice Apeles for assisting the Drug Enforcement Agency - Honolulu District Office with the 11 th Annual National Take Back Initiative on April 30, 2016. Additionally, Chief Perry commended the Investigative Services Bureau and the Patrol Unit for their hard work and perseverance that led to the arrest of convicted murderer Francisco Keola Manuel; particularly, Detective Anthony Morita for his			

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	<p>role in apprehending the suspect in less than 24 hours after the crime was committed. Mr. Manuel was sentenced to 20 years behind bars for count two and 5 years for second-degree assault. The terms will run concurrent.</p>	
<p>Chief's monthly Reports</p>	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau – Recruitment, Records Section and Training Reports 2. Fiscal Report 3. Investigative Services Bureau – General Crimes/Major Crimes Section, 4. Special Focus and Vice Sections 5. Bench Warrant Tracking 6. Patrol Services Bureau Monthly Activity and Traffic Reports 7. Community Oriented Policing Traffic and /Districting Reports for Līhu'e, Kawaihau and Waimea 8. Chief's Announcements and Pertinent Updates <p>Chair Iona noted for the record that the discussion relates to item number six (6) of the Chief's monthly reports.</p> <p>In reference to an article in the Garden Island Newspaper about KPD (Kaua'i Police Department) conducting a D.U.I sobriety checkpoint outside of the entrance leading to an event that led to financial loss for the organizer, Vice Chair Hertog asked Chief Perry if he could explain to the Commission what a D.U.I sobriety checkpoint entails and who determines the location and time.</p> <p>Chief Perry explained that the overriding factor in conducting D.U.I sobriety checkpoints is community safety and that Lt. Jon Takamura is in charge of coordinating all D.U.I sobriety checkpoints.</p> <p>Lt. Takamura explained that a D.U.I. sobriety checkpoint requires either stopping all motor vehicles or a pattern of vehicles, which is determined by the supervisor in charge of the roadblock. The roadblocks must be located in a fixed location for a maximum of a three-hour period and that safety precautions must be taken in</p>	

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	<p>terms of having proper illumination, uniformed police officers carrying proper identification, and a minimum of three (3) marked police vehicles present.</p> <p>Chief Perry asked Lt. Takamura if he could explain how checkpoint locations are selected. Lt. Takamura explained that normally the checkpoint locations are randomly selected; however, for this particular event, it was selected for obvious reasons.</p> <p>Lt. Takamura stated that typically when there's a large event, the district commander in the area would have the patrol unit conduct sobriety checks usually outside of the area or at the entrance to an event so that it would not impede traffic.</p> <p>Commissioner Mince commented that to say that D.U.I sobriety checkpoints would not impede traffic is simply untrue.</p> <p>Chief Perry stated that for the Commissioners' edification, the event in question started at 3:30 in the afternoon, but the traffic unit did not set up their equipment until 7:30 that evening, so whoever was going to the event should have already been there. To imply that KPD's presence was the cause of a low turnout is absolutely untrue.</p> <p>Lt. Takamura stated that there was some misleading information in the newspaper that implied there were as many as twenty-three (23) officers present at the checkpoint when in reality there were only ten (10) officers present at that particular checkpoint.</p> <p>Commissioner Mince stated that the perception out in the community is that KPD targeted only the drivers going to the concert, asking what can be done to remove that negative perception. He added that things would have been different if the roadblock was set-up in another location like along the road leading to the Grand Hyatt Kaua'i because not only would it have affected the people going to the</p>	

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	<p>concert, but the people going to the Grand Hyatt Kaua'i as well.</p> <p>Chief Perry requested that the specifics of how roadblocks are handled to not be discussed in open session to which Commissioner Mince asked why.</p> <p>Chief Perry explained that because it's an internal operational matter and should not be discussed in public. He added that if the Chair agrees to take the matter up in closed session perhaps at another time, he would appreciate it.</p> <p>Commissioner Mince asked why the issue can't be discussed in an open forum to which Chair Iona replied that when it comes to internal matters, it does not fall within the Commission's purview; however, if there a specific issue that he would like to know about, he should go directly to the Chief or the Traffic Commander.</p> <p>Commissioner Mince stated that he appreciates the Chair's comments, but the perception still remains that KPD targeted only the drivers going to the concert.</p> <p>Chief Perry stated that one cannot interpret another person's perception because it's their perception, nor will he try to validate or justify their perception because that's not what they're for.</p> <p>Commissioner Mince stated that it's not about perception, it's about the facts, and the fact is the roadblock was set-up along the only road leading to the event and the only ones who were being stopped were the drivers going to or leaving the event.</p> <p>Commissioner Mince asked who makes the final determination when it comes to selecting the site for the roadblocks; is it the Chief of Police or is it approved at Lt. Takamura's level.</p>	

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	<p>Assistant Chief Roy Asher stated that he authorized the roadblock and takes responsibility for the confusion. He stated that to imply that KPD targeted only the concert goers is untrue because on that same night the roadblock was set-up along the road west of the Grand Hyatt Kauai where Island School was having their after graduation party. And based on the amount of calls he received since then from the people who went through the roadblock, they felt targeted as well.</p> <p>Chair Iona commented that it's understandable why there's so much confusion and misunderstanding. In his past dealings with news reporters, a lot of times a reporter would take someone's story and report it in the newspaper without validating the story first, which is what he thinks happened in this case.</p> <p><u>Chief's Announcements and Pertinent Updates</u></p> <ul style="list-style-type: none">• Kaua'i Police Department and members of the U.S. Marshalls Hawai'i Task Force conducted a four-day operation that led to the arrest of 21 wanted fugitives on Kaua'i.• Kaua'i Police Department conducted project 'Upena Ho'olei (warrant sweep) which resulted in 18 arrests, 17 warrants served resulting in 14 arrests, 102 attempted service, one DTC issued and one Pro-Det 3rd arrest for an active bench warrant and 1 vehicle seizure.• Article in the Garden Island Newspaper – Police Chief calls for stricter guns laws.• Chief Perry shared that the Police union for the Green Bay Police Department has agreed that merit, and not years of service, should be the deciding factor in meting out promotions and assigning officers to particular jobs.	

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	<ul style="list-style-type: none"> On July 17, 2016, K-PAL will be holding its First Annual Hammerhead Sprint Triathlon & 5k Fun Run Walk. For more information contact Officer Mitchell Collier at 241-1641 or Lisa Ledesma at 652-5326. K-PAL’s “Chess with the Chief”. Anyone interested in playing chess should contact kpai@kauai.gov for more information Community Senior Meetings were held throughout the island. <p>Before moving onto the next agenda item, Chair Iona asked Officer Troy Sakaguchi to introduce the members of the Kaua‘i Police Department Police Explorers Program. Chief Perry thanked Commissioner Mince for all that he has done to help secure a grant that helped to kick-start the Police Explorers Program. He also thanked Sergeant Abbatiello for taking charge of the program when it first started.</p>	
Business KPC 2016-06	<p>Discussion and possible decision-making on identifying and proposing substantive and non-substantive changes to the Police Commission Rules of Administrative Practice and Procedure.</p> <p>Vice Chair Hertog stated that all of the items that were approved by the Commissioners at the last meeting were incorporated into the latest draft.</p> <p>Commissioner Mince stated that the only action that needs to be taken today is the selection and approval of the language relating to Conduct of Police Commissioners.</p> <p>Chief Perry voiced his concerns that there’s nothing in the proposed language that mentions anything about KPD’s Standards of Conduct with respect to what the officers have to abide by, and yet this body oversees the Police Department. He questioned whether the language should be included in the language.</p>	

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	<p>Vice Chair Hertog stated that to shed some light on their way of thinking, the Commission wanted to keep the language simple but direct without highlighting the Department’s Standard of Conduct, which is numerous pages long. In other words, the Commission wanted to have a general statement that’s clear and exemplifies the image of law enforcement.</p> <p>Chair Iona added that the Commission wanted to streamline the language to make it more clear and concise. He added that in the future, if commission feels the need to modify the rule to include language similar to KPD’s Standards of Conduct, they can make the revisions at that time.</p> <p>After a lengthy discussion, the Commissioners came to a decision to select Item No. 1 to replace the current language under Rule 2-10 <u>Conduct of Police Commissioners</u>. With no further discussion, Chair Iona called for a motion to select Item No.1 as the new language to be included in the rules.</p> <p>Based on Attorney Krafft’s recommendation to remove Rule 3-1-g-5 until the Intermediate Court of Appeals renders a ruling to determine the powers of the Mayor and the powers of the Police Commission, Chair Iona called for a motion to that effect, and if the ruling is favor of the Police Commission, then the item will included in the discussion, and if not, the issue is moot.</p>	<p>Commissioner Agarwal moved to select item No. 1 which states: <i>Police Commissioners shall maintain high standards of conduct and not behave in a manner that brings discredit upon the Police Commission and the Kaua‘i Police Department</i>. Commissioner Adams seconded the motion. The motion carried 4:3</p> <p>Commissioner Adams moved to remove Rule 3-1-g-5, until such time the ICA renders a ruling that determines the powers of the Mayor, and the powers of the Police Commission. Vice Chair Hertog seconded the motion. The motion carried 7:0</p>

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	<p>Commissioner Mince stated that both he and Vice Chair Hertog will work together to produce the final draft version for the Commission’s review at the next meeting. He added that if there are any last minute changes, the Commissioners can make those changes, and with the approval of the Chair, move forward with a public hearing.</p> <p>Vice Chair Hertog explained that relative to Chief’s four (4) job descriptions (all similar in nature), the subcommittee worked together and merged all four job descriptions to produce one job description. The subcommittee then called in HR Director Rapozo and Attorney Krafft to review the language to make sure it met the format required by HR, as well as the legal aspects. Vice Chair Hertog noted that the items listed under desirable qualifications came after doing research on other police departments on the mainland.</p> <p>Vice Chair Hertog asked the Commissioners and Chief Perry to review the proposed draft language and be prepared to provide feedback at the Commission’s next meeting in July. Chief Perry noted that the language he proposed earlier was not included in the draft. Vice Chair Hertog stated that the discussion is still on-going and asked if he could resubmit his proposals for continued discussion at the next meeting to which Chief Perry replied yes.</p> <p>Chair Iona thanked all of the Commissioners for their input, especially Commissioners Hertog and Mince for all of their hard work and research.</p> <p>With no further discussion, the Commission moved onto the next agenda item.</p>	
KPC 2016-07	<p>Invitation to the 63rd Annual Hawai‘i State Law Enforcement Officials Association (HSLEOA) Conference hosted by the Kaua‘i Police Department at the Grand Hyatt Kaua‘i Resort & Spa in Po‘ipū, September 7-9, 2016. Registration due by July 29, 2016.</p>	<p>After a brief discussion, it was determined that all seven (7) Commissioners would attend the conference in September. Staff will make the necessary arrangements.</p>

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KPC 2016-08	<p>Discussion on the status of a plan to implement a new information management system to collect data on the number of false alarms the Police Department responds to.</p> <ul style="list-style-type: none"> Attached Copy Bill No. 2435, Draft 2. A Bill for an Ordinance to amend Chapter 22, Kaua'i County Code 1987, as amended, by establishing a new article relating to alarm systems, which was adopted on second reading and final reading by the Council of the County of Kaua'i at its meeting on August 8, 2012. <p>Executive Chief Michael Contrades explained that the new records management system contract is in place and moving rather quickly. The administrators in records management are undergoing training with Spillman Technologies which should be completed by the end of October and ready to go on December 5th which is the department's goal line date.</p> <p>Chair Iona asked if the current system reflects the name of the residents or businesses that have applied or have been issued an alarm user permit to which E/C Contrades replied that relative to the bill, they are taking applications and doing renewals, but they haven't done the enforcement part of the bill. The difficulty they're having with the current system is trying to ascertain the false alarms, but once the new system is up and running, they will be able to do that. Another problem they had to deal with was the lack of staff that prevented them from carrying out that aspect of the bill, but with the recent hire in the fiscal team, they now have a person to do all of the follow-up, which prior prevented them from doing that.</p> <p>Vice Chair Hertog asked what's the plan to generate income once the new system comes on line in December to which E/C Contrades replied if the current system worked correctly, then it would have been easier to track and audit, but with the new system in place, the department will be able to track all of the statistics and</p>	

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	<p>hopefully generate more income. Vice Chair Hertog asked what is being done to get the information out to the homeowners and the businesses that a bill does exist.</p> <p>E/C Contrades replied that when KPD is ready to do the enforcement, they will make a public announcement, but all of that is labor intensive and they want to make sure that it's done correctly.</p> <p>Commissioner Mince asked being that the bill is 4 years old, why hasn't the department moved the bill forward to which E/C Contrades replied that they have been taking permits since 2013, but certain aspects of the bill requires a lot of work and is not something you can just drop everything you're doing to tend to.</p> <p>Commissioner Mince stated that there is a provision in the ordinance that allows the department to hire an alarm system coordinator, asking if the position has been filled. E/C Contrades replied that they are working on hiring a full-time person, but the monies collected from the fees is not enough to cover the cost to pay for the position. Commissioner Mince stated that if he's reading the ordinance correct, the fees that are collected goes into a special fund and can be used to pay for the position, asking if that has been done. E/C Contrades stated that the county has collected as much as \$4000 a year, but it's still not enough to even cover a half-time position, and so measures are being taken to try to remedy the problem.</p> <p>Commissioner Mince stated that some members in the community he spoke to have no idea that the bill existed, asking since the bill went into effect four (4) years ago, why the public hasn't been notified and whose responsibility is it to inform the public. E/C Contrades replied that once the new records management system is up and running, they will take the necessary steps to get the word out to the public. Chair Iona stated that if he recalls, there was a big push when the bill first came into fruition.</p>	

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	Commissioner Mince stated that according to the bill, the Police Department has to report back to the County Council, asking if a report has been generated to which E/C Contrades replied he doesn't know and would have to check. Commissioner Mince asked if he could send the report to the Commissioners once he finds out to which E/C Contrades replied yes.	
Announcements	Next regular meeting – Friday, July 22, 2016, 9:00 a.m. at the Mo'ikeha Building, Meeting Room 2A/2B. Executive Session to follow.	
Executive Session	At 10:11 a.m. Vice Chair Hertog cited the Hawai'i Revised Statutes to bring the meeting into Executive Session.	
ES-33	<u>Pursuant to the Hawai'i Revised Statutes §92-4 and §92-5 (a) (4), the purpose of this Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and liabilities as they may relate to a Declaratory Action to determine the powers of the Mayor and the powers of the Police Commission. (On-going)</u>	
ES KPC 2015-041	<p>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to dismissal, or discipline of an employee or officer of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to the following agenda items:</p> <p><u>New non-notarized complaint KPC 2015-013, received on November 19, 2015, is in reference to a request for help from the Police Commission to ask someone from the Internal Affairs Unit to assist the complainant in filing a complaint against four (4) police officers in the Kaua'i Police Department for misconduct; and in a separate complaint the complainant alleges that an officer violated his civil rights, projected cruel and unusual punishment and excessive use of force. (Deferred on April 22, 2016)</u></p>	

SUBJECT	DISCUSSION	ACTION
ES KPC 2016-011	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of <u>this Executive Session is for the Commission consult with its attorney as to the powers, duties privileges, immunities, and/or liabilities as they may relate to two (2) Quarterly Reports dated April 13, 2016, from Police Chief Darryl Perry regarding, the Department's disposition of notarized complaints filed by citizens with the Police Commission and the disposition of internal investigations other than Police Commission complaints from January 1, 2016 to March 31, 2016.</u> (Deferred on May 27, 2016)	
ES KPC 2016-013	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), <u>the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of May 27, 2016, and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.</u> Chair Iona called for the motion to enter into Executive Session.	Commissioner Adams moved to enter into Executive Session. Commissioner Okami seconded the motion. The motion carried 7:0. At 10:14 a.m. the Commissioners entered into Executive Session.
Return to Open Session to ratify the actions taken in Executive Session	At 10:38 a.m. the Commissioners reconvened in Open Session. Chair Iona called for the motion to ratify the actions taken in Executive Session.	Vice Chair Hertog moved to ratify the actions taken in Executive Session. Commissioner Adams seconded the motion. The motion carried 7:0. <u>ES-33:</u> On-going. <u>ES KPC 2016-041:</u> Based on the circumstances surrounding the non-notarized complaint a motion carried 7:0 to remove the non-notarized complaint from the agenda.

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		<u>ES KPC 2016-011</u> : The Commissioners asked for a written summary of the report to be available by the next meeting. <u>ES KPC 2016-013</u> : Motion carried 7:0 to approve the Executive Session minutes as amended.
Adjournment	Chair Iona called for the motion to adjourn the meeting.	Commissioner Okami moved to adjourn the meeting. Commissioner Adams seconded the motion. The motion carried 7:0. At 10:37 a.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Charles C.C. Iona, Chair

() Approved as circulated on

(X) Approved as amended. See minutes of the July 22, 2016 meeting.